

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

*Plaintiff,*

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.

*Defendants.*

Case No. 2:23-CV-00103-JRG-RSP

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”), respectfully file this motion for an extension to the deadline to serve Samsung’s final invalidity theories, prior art references/combinations, and equitable defenses (the “Deadline for Final Invalidity Theories”). The parties conferred, and Headwater does not oppose Samsung’s requested relief of amending the deadline for final election of invalidity theories to be 3 days after the final election of asserted claims. Headwater does not otherwise agree with or join the arguments in this motion by Samsung.

The operative Docket Control Order (Dkt. 270) requires that Headwater Research LLC (“Headwater”) “disclose [its] final election of Asserted Claims” 10 days before jury selection, after which Samsung is required to disclose its final invalidity theories 7 days before jury selection. As of this filing, this matter has been set as the seventh ordered trial with jury selection set to begin January 13, 2025. Ex. 1 (December 13, 2024 Email from Court). Thus, Headwater’s deadline to elect claims for this matter was January 3, 2025 and Samsung’s Deadline for Final Invalidity Theories is January 6, 2025.

On January 3, 2025—Headwater’s deadline to disclose its final election of Asserted Claims—Headwater refused to disclose its final election of Asserted Claims, taking the position “that exchanging final election of claims is . . . premature” because “trial and jury selection in the -422 case is going forward on that date” and because “the Court’s rulings on pending motions to strike and motions for summary judgment are pending.” *See* Ex. 2 (Jan. 3, 2025 Email From Pickens). Samsung is unaware of any rule in this District excusing parties from their obligation to elect claims or invalidity theories by the prescribed deadline for the reasons set forth by Headwater.<sup>1</sup> Headwater presently asserts twenty-five (25) claims across three patents and thus clearly knows that it intends to drop many of these claims before trial.

Nevertheless, because Samsung’s invalidity theories depend upon which patents and claims Headwater chooses to assert at trial, Samsung moves to extend the Deadline for Final Invalidity Theories until 3 days after Headwater discloses its final election of Asserted Claims, which maintains the current offset between the two deadlines set forth in the Docket Control Order.<sup>2</sup> Good cause for Samsung’s motion exists because Headwater refused to disclose its final election of Asserted Claims by the prescribed deadline.

Dated: January 6, 2025

Respectfully submitted,

By: /s/ Jonathan B. Bright  
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<sup>1</sup> Samsung notes that Headwater’s deadline was one “that cannot be changed without an acceptable showing of good cause” and that the “fact that there are motions for summary judgment . . . pending” does not “warrant a continuance nor justify a failure to comply with the discovery deadline.” Dkt. 270 at 2-3.

<sup>2</sup> To the extent that, since Headwater’s deadline to elect claims has already passed, the Court is inclined to set the parties’ deadlines for final election of claims and invalidity theories to a calendar date, Samsung asks that its deadline be set to a date 3 days after Headwater’s deadline.

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SAMSUNG ELECTRONICS AMERICA, INC.**

**CERTIFICATE OF CONFERENCE**

Counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirements of Local Rule CV-7(h). Headwater does not oppose this Motion.

By /s/ Jonathan B. Bright  
Jonathan B. Bright

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 6, 2025

/s/ Jonathan B. Bright  
Jonathan B. Bright